

After conferring with counsel, the court concludes that it lacks subject matter jurisdiction in this action. In Wachovia Bank, N.A. v. Schmidt, the Fourth Circuit held that a national banking association

is located, for purposes of diversity, not only in the state in which it operates its principal place of business but also in the states in which it operates branch offices. 388 F.3d 414, 417 (4th Cir. 2004). Wachovia operates branch offices in Virginia, and is therefore considered a resident of Virginia for diversity purposes. Because complete diversity is lacking, this court is without jurisdiction to hear the parties' claims.¹ RCO, as third-party plaintiff, has moved for a voluntary dismissal of its claim against Datascan and Schmidt pursuant to Rule 41 and the court will enter an appropriate order.

ENTER: This _____ day of February, 2005.

UNITED STATES DISTRICT JUDGE

¹Wachovia agrees that the case is subject to dismissal pursuant to Fourth Circuit precedent. It does not concede the correctness of that precedent.

WACHOVIA BANK, N.A.,)
Plaintiff,)
)
v.)
)
) **Case No. 7:04cv00174**
) **FINAL ORDER**
)
J. MICHAEL RANSON,)
KENNETH L. TYLER)
RANSON CHEVROLET-OLDSMOBILE, INC.)
RANSON TYLER CHEVROLET, LLC)
)
) **By: Samuel G. Wilson**
) **United States District Judge**
Defendants, Counter-Plaintiffs)
and Third-Party Plaintiffs)
)
v.)
)
)
DATASCAN TECHNOLOGIES, LLC)
and JACK SCHMIDT,)
)
)
Third-Party Defendants)

ENTER: This _____ day of February, 2005.

UNITED STATES DISTRICT JUDGE